

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-Fourth Legislature
State of Maine

Volume III

Second Regular Session

March 24, 2010 - April 12, 2010

Appendix
House Legislative Sentiments
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Pages 1215-1836

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
SECOND REGULAR SESSION
29th Legislative Day
Monday, March 29, 2010

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Mark Glovin, First Universalist Church of Rockland.

National Anthem by Steel Rail Express, Stockton Springs.

Pledge of Allegiance.

Doctor of the day, Petr Smejkal, M.D., Bangor.

Representative BRYANT of Windham moved that further reading of the Journal be dispensed with.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Sykes rise, and inquires as to why the Representative rises.

Representative SYKES: Thank you, Madam Speaker, I object to the dispensing of the reading of the Journal.

Representative SYKES of Harrison **OBJECTED** to dispensing with the reading of the Journal.

The SPEAKER: The Representative from Harrison, Representative Sykes, has objected to the reading of the Journal of yesterday.

Representative PIOTTI of Unity **REQUESTED** a roll call on the **OBJECTION** of Representative SYKES of Harrison to reading of the Journal.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is the Objection of Representative SYKES of Harrison to reading of the Journal. All those in favor will vote yes, those opposed will vote no.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Sykes, and inquires as to why the Representative rises.

Representative SYKES: Thank you, Madam Speaker. Point of Order.

The SPEAKER: The Representative may proceed.

Representative SYKES: Madam Speaker, since we've not had a quorum call, I challenge the presence of a quorum.

Representative SYKES of Harrison inquired if a Quorum was present.

The SPEAKER: Will the Representative please defer. Based on the pending vote, it is obvious that a quorum is present.

The Chair declared a Quorum present.

ROLL CALL NO. 323

YEA - Ayotte, Beaudette, Beaudoin, Beck, Berry, Blanchard, Blodgett, Briggs, Browne W, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Clark H, Cleary, Cohen, Connor, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Flood, Gilbert, Goode, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kruger, Lajoie, Langley, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Peterson, Pieh, Pilon, Piotti, Pratt, Priest, Rankin, Richardson D, Rotundo, Sanborn, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Stuckey, Sutherland, Tardy, Theriault, Treat, Trinward, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Welsh, Wright, Madam Speaker.

NAY - Austin, Beaulieu, Bickford, Burns, Cebra, Celli, Chase, Cotta, Crafts, Crockett J, Curtis, Cushing, Davis, Fletcher,

Fossel, Gifford, Hamper, Johnson, Joy, Knapp, Knight, Lewin, McFadden, McKane, Millett, Nass, Nutting, Pinkham, Plummer, Prescott, Richardson W, Robinson, Sarty, Strang Burgess, Sykes, Thibodeau, Thomas, Tilton.

ABSENT - Adams, Boland, Bolduc, Clark T, Cornell du Houx, Cray, Giles, Greeley, Kaenrath, Kent, McLeod, Perry, Rosen, Russell, Tuttle, Webster, Wheeler, Willette.

Yes, 95; No, 38; Absent, 18; Excused, 0.

95 having voted in the affirmative and 38 voted in the negative, with 18 being absent, and accordingly the Journal of Friday, March 26, 2010 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To License Home Building and Improvement Contractors"

(H.P. 215) (L.D. 272)

Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-760)** in the House on March 25, 2010.

Came from the Senate with the Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative SMITH of Monmouth, the House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (S.C. 750)

MAINE SENATE

**124TH MAINE LEGISLATURE
OFFICE OF THE SECRETARY**

March 26, 2010

Honorable Hannah M. Pingree

Speaker of the House

2 State House Station

Augusta, ME 04333-0002

Dear Speaker Pingree:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 124th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Inland Fisheries and Wildlife, the nomination of Wade D. Kelly of Allagash for appointment to the Inland Fisheries and Wildlife Advisory Council.

Upon the recommendation of the Committee on Inland Fisheries and Wildlife, the nomination of Michael J. Witte of New Harbor for reappointment to the Inland Fisheries and Wildlife Advisory Council.

Upon the recommendation of the Committee on Inland Fisheries and Wildlife, the nomination of Alan L. Greenleaf of Old Town for appointment to the Inland Fisheries and Wildlife Advisory Council.

Upon the recommendation of the Committee on Judiciary, the nomination of Honorable Paul F. Jacques of Waterville for reappointment to the Maine Indian Tribal-State Commission.

Upon the recommendation of the Committee on Judiciary, the nomination of Dr. H. Roy Partridge of Scarborough for appointment to the Maine Indian Tribal-State Commission.

Upon the recommendation of the Committee on Judiciary, the nomination of Honorable Cushman D. Anthony of North

Yarmouth for appointment to the Maine Indian Tribal-State Commission.

Upon the recommendation of the Committee on Judiciary, the nomination of Paul G. Thibeault of East Machias for appointment to the Maine Indian Tribal-State Commission.

Upon the recommendation of the Committee on Marine Resources, the nomination of Sean Mahoney of Falmouth for appointment to the Marine Resources Advisory Council.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Representative THERIAULT of Madawaska moved that further **READING** of the Journal be dispensed with.

The **SPEAKER**: The Chair recognizes the Representative from Harrison, Representative Sykes rise, and inquires as to why the Representative rises.

Representative **SYKES**: Madam Speaker, I object and request the reading of the Communication.

Representative **SYKES** of Harrison **OBJECTED** to dispensing with the reading of the Communication.

The **SPEAKER**: The Chair recognizes the Representative from Harrison, Representative Sykes.

Representative **SYKES**: Thank you, Madam Speaker. Madam Speaker, I withdraw my objection.

Subsequently, Representative **SYKES** of Harrison **WITHDREW** his **OBJECTION** to reading of the Communication.

Subsequently, the Communication was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication: (S.C. 751)

**MAINE SENATE
124TH MAINE LEGISLATURE
OFFICE OF THE SECRETARY**

March 26, 2010

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby it Indefinitely Postponed Bill "An Act To Support Collection and Proper Disposal of Unwanted Drugs" (H.P. 557) (L.D. 821) and all accompanying papers.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

Recognizing:

Charlene Knox Farris, of Searsport, who has been named the first official town historian. Mrs. Farris has been preserving and sharing the history of the town with her fifth-grade students and the people of Searsport for 30 years. She is the author of *Searsport's Sam Houston*, the story of a local man who was a bodyguard to George Washington. We extend our congratulations to Mrs. Farris on her receiving this honor;

(HLS 1049)

Presented by Representative **MAGNAN** of Stockton Springs.

Cosponsored by Senator **WESTON** of Waldo.

On **OBJECTION** of Representative **MAGNAN** of Stockton Springs, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Stockton Springs, Representative Magnan.

Representative **MAGNAN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. There are people we remember who informed and shaped the adults we are today. All of us have that special teacher in mind. This is one of those teachers we would remember as smart, stern but fair, funny and the one with the eyes on the back of their head, the one who never misses a thing in her classroom. Charlene is one of those memorable teachers and hundreds of Searsport students will remember her for those things. The great thing is she's still at it today, Grade 5. But more than that, Charlene is one of those people with a great pride of place for her town and heritage, Searsport. Charlene has always had an interest in the history of Searsport and its people, and has taken the time and interest to the level of authorship. Charlene wrote a biographical profile of *Searsport's Sam Houston*, not the Texan of the Alamo. Searsport's Sam Houston was a Revolutionary War soldier who served in General George Washington's personal guard, a group of young men who were, by George Washington's own standards/orders, handsome, sober and orderly in their persons. So we get an instant image of a fine looking young man from Searsport who was called to serve his country. This profile of Captain Sam Houston, along with the memoir of Joseph Plumb Martin, *Private Yankee Doodle*, placed my District 41 in the spotlight of the average citizen soldier of the Revolutionary War. Charlene has used the family diary and resources from the Penobscot Marine Museum Library and Archive for her research. We, historians, are grateful to Charlene Knox Farris for this insightful and well researched biographical sketch, and for her continued interest in activity with the Searsport Historical Society. I'm glad that we can take the time today to celebrate the achievements of Charlene Knox Farris, who is here today with members of the Historical Society, Dr. Karen Kelley, Valerie Murphy, Mary Brann and her husband, Rodney Farris. I am glad that we can do that and also celebrate her achievements as a teacher and author and historian, and as the first official town historian of Searsport. Finally, with Charlene's highly developed sense of humor and joy of a historian, actually being recognized while still alive, the irony can't be lost on her today. Thank you.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

Recognizing:

The Steel Rail Express, which won the 2009 Colgate Country Showdown held at the Augusta Civic Center. The Colgate Country Showdown begins each spring with over 450 local talent contests sponsored by country music radio stations throughout the United States. The group consists of Tim Waitowitz of Stockton Springs, Mike Ponder of Liberty, Joel Watson of Belfast and Paul Vachon of Lisbon and is sponsored by **WEBB**. The Steel Rail Express competed in the Colgate New England Regional Competition held in Boston, Massachusetts and took second place. We congratulate the Steel Rail Express and wish them success in the future;

(HLS 1050)

Presented by Representative **MAGNAN** of Stockton Springs.

Cosponsored by Senator **WESTON** of Waldo, Representative **O'BRIEN** of Lincolnville, Representative **GILES** of Belfast, Senator **NUTTING** of Androscoggin, Representative **CRAFTS** of Lisbon, Representative **VAN WIE** of New Gloucester.

On **OBJECTION** of Representative MAGNAN of Stockton Springs, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Magnan.

Representative **MAGNAN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. It's kind of tough going back to back with wonderful groups like this but the Steel Rail Express entertained us this morning, and I saw people line dancing in the rotunda there so there is something right going on. This group, which is a fairly new group, and up-and-coming group, contains a former postman, Tim Weitowitz, who was also here last year with the Restorative Justice program he works with, Mike Ponder, and Paul Vachon, who were the original founders of the group, and a young and up-and-coming guitar player, Joel Watson from Belfast. They're dynamic, foot tapping, fun, and I hope that you will go out this summer and see them at the fairs. Thank you very much.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

In Memory of:

Joseph A. Sassi, beloved husband, father and grandfather. Mr. Sassi was an educator for 37 years. He taught English at SAD 43 in Mexico and served as the Librarian at Mountain Valley High School. He volunteered at St. Athanasius and St. John School, teaching computer skills to the students. Mr. Sassi was an avid cook and enjoyed trivia, working daily crossword puzzles, reading, dancing, fishing, traveling, theater, photography, cross-country skiing, fantasy baseball and all variety of sports. He served as President of Chisholm Ski Club and on the board of directors at Black Mountain and coached at Mountain Valley High School. Mr. Sassi will be remembered as a kind, gentle soul with a wonderful sense of humor. He will be sadly missed by his loving family and friends;

(HLS 1054)

Presented by Representative PETERSON of Rumford.

Cosponsored by Senator BRYANT of Oxford.

On **OBJECTION** of Representative PETERSON of Rumford, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Peterson.

Representative **PETERSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. There aren't enough hours in a day for me to talk about what a wonderful man Joe Sassi was. For as far back as I can remember, Joe was a fixture in my life, in the lives of my family members, and in the lives of everyone he came in contact with. We often talk in this chamber about the kindness and compassion of those we recognize with Legislative Sentiments, but believe me when I tell you that Joe Sassi took those traits to an entirely new level.

I attended high school with Joe's daughter, Katie, and during our time together there Joe was our librarian. His warm nature and patient ways won him countless student and teacher fans over the years. When you look down the list of his hobbies and interests, its immediately obvious that he was a man who knew how to pull the pulp from life. Athlete, educator, marathoner, father, husband, friend and Red Sox fanatic, Joe Sassi was a little bit of everything to all of us in the River Valley.

The last time I saw Joe was in the fall when our families went out to breakfast together. At the conclusion of our meal, despite the unspeakable pain he was in, Joe took the time to bend over

and give me a hug goodbye. That was Joe, always thinking of others before himself. Quite simply, Joe's time on this earth was the blueprint for a life well lived. He was an amazing man and he will be dearly missed. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you, Madam Speaker. I rise also to honor Joe Sassi of Rumford, as Joe served as an educator in the Mexico/Rumford area all of his life. He also volunteered in many areas of our communities. Joe's love and compassion for his family, friends and community will always be remembered. His love and passion for skiing and support of Black Mountain of Maine and the Chisholm Ski Club will forever have lasting effects in our communities. And we are reminded of Joe and who he was and represented each year as we have our annual Joe Sassi memorial event. As a community, we come together to support Joe's cause for his community. Joe will be sadly missed by his loving family and friends. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Harlow.

Representative **HARLOW**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I've known Joe for a day or two: 62 years. We went to grammar school together, high school together, and he left the country to get away from me. He went to Saint Dunstan's. He was a great guy. I never heard anybody say anything bad about him. And after he came back to the country and I came back to Rumford, I taught with him at Mexico for a few years. He was a great guy and I think he learned a great deal from the Sisters of Mercy, the sisters of lack of mercy. They taught him a great deal of discipline, and he learned it and lived it. I saw him about a year and a half ago at Hannaford and I heard he'd been sick and he never complained a minute about it. I think Joe Sassi was one of the real people of Rumford, with the real Rumford ideals. He was a hard worker, honest, a lot of fun to be with. The only thing was he was a Red Sox fan because he grew into it, we all were. Anybody who was a Yankees fan in Rumford was thrown out of town. Joe Sassi was a great friend of mine and I loved him greatly. Thank you very much, Madam Speaker.

Subsequently, the Sentiment was **ADOPTED** and sent for concurrence.

Recognizing:

On motion of Representative RUSSELL of Portland, the House **RECONSIDERED** its action whereby Expression of Legislative Sentiment recognizing Gregory Brooks, of Gorham

(HLS 1053)

Was **PASSED**.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Shipwrecks and treasure tend to go hand-in-hand with adventure, but for Sub Sea Research the real adventure began when they realized the best treasure in the world could be found right here at home.

Following the devastating earth quake in Haiti, Gregory Brooks decided his ship, the Sea Hunter, had a higher calling. After collecting more than twenty tons of humanitarian supplies, the crew set off from Maine to bring those supplies to the victims of the earthquake.

Accustomed to navigating shipwrecks, rocks and stormy weather, the crew of the Sea Hunter spent weeks navigating

governmental red tape. While they went through trials and tribulations in Miami and off the coast of Haiti, Maine residents back home were right there every morning with each new column written by Bill Nemitz. Each new stalemate met by the crew was felt back home by readers riveted by the unraveling story. When the crew was frustrated in Miami, Mainers were frustrated back home. When the crew leaped for joy at the small hard-won victories along the way, Mainers back home were letting out cheers and tears in coffee shops, offices and homes around the state.

For Maine people, this was one of the greatest stories of determination and heroism in recent memory. The crew brought the values of Maine people with them to the frontlines of Haiti in a story that captivated our hearts and souls. Kudos to Greg Brooks and his crew for their heroism, and to Bill Nemitz for without whom this story, the greatest story, would never have been told. Thank you, Madam Speaker.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-424)** on Bill "An Act To Clarify Safety Requirements in Acadia National Park" (S.P. 666) (L.D. 1737)

Signed:

Senator:

DAVIS of Cumberland

Representatives:

HANLEY of Gardiner
LAJOIE of Lewiston
GREELEY of Levant
PLUMMER of Windham
BURNS of Whiting
SYKES of Harrison

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-425)** on same Bill.

Signed:

Senators:

GERZOFSKY of Cumberland
NUTTING of Androscoggin

Representatives:

HASKELL of Portland
CHATZ of Blue Hill
MAGNAN of Stockton Springs
WHEELER of Kittery

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-424) AS AMENDED BY SENATE AMENDMENT "A" (S-459)** thereto. **READ.**

On motion of Representative HASKELL of Portland, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-443)** on Bill "An Act To Strengthen the Ballot Initiative Process" (S.P. 662) (L.D. 1730)

Signed:

Senators:

SULLIVAN of York
GOODALL of Sagadahoc

Representatives:

CORNELL du HOUX of Brunswick
VALENTINO of Saco
TRINWARD of Waterville
TUTTLE of Sanford
CAREY of Lewiston
RUSSELL of Portland

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn
PINKHAM of Lexington Township
FITTS of Pittsfield
NASS of Acton

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-443) AS AMENDED BY SENATE AMENDMENTS "B" (S-481) AND "C" (S-487)** thereto. **READ.**

On motion of Representative TRINWARD of Waterville, the Majority **Ought to Pass as Amended** Report was **ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-443)** was **READ** by the Clerk. **Senate Amendment "B" (S-481) to Committee Amendment "A" (S-443)** was **READ** by the Clerk and **ADOPTED. Senate Amendment "C" (S-487) to Committee Amendment "A" (S-443)** was **READ** by the Clerk and **ADOPTED.**

Committee Amendment "A" (S-443) as Amended by Senate Amendments "B" (S-481) and "C" (S-487) thereto was **ADOPTED.**

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-443) as Amended by Senate Amendments "B" (S-481) and "C" (S-487)** thereto in concurrence.

**CONSENT CALENDAR
First Day**

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the First Day:

(H.P. 1183) (L.D. 1671) Bill "An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending

June 30, 2010 and June 30, 2011" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-790)**

On motion of Representative CAIN of Orono, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

CONSENT CALENDAR

Second Day

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the Second Day:

(H.P. 1265) (L.D. 1778) Bill "An Act To Enable the Installation of Broadband Infrastructure" (EMERGENCY) (C. "A" H-784)

On motion of Representative PIOTTI of Unity, was **REMOVED** from the Second Day Consent Calendar.

The Unanimous Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

ENACTORS

Emergency Measure

An Act To Improve the Laws Governing the Consolidation of School Administrative Units

(H.P. 408) (L.D. 570)

(C. "A" H-768)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 324

YEA - Adams, Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Casavant, Cebra, Celli, Chase, Clark H, Cleary, Cohen, Connor, Cotta, Crafts, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Goode, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Joy, Kent, Knapp, Knight, Kruger, Lajoie, Langlely, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rotundo, Russell, Sanborn, Sarty, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wright, Madam Speaker.

NAY - NONE.

ABSENT - Boland, Clark T, Cornell du Houx, Cray, Giles, Kaenrath, McLeod, Perry, Rosen, Saviello, Tuttle, Wheeler, Willette.

Yes, 138; No, 0; Absent, 13; Excused, 0.

138 having voted in the affirmative and 0 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Conform the Maine Tax Laws for 2009 to the United States Internal Revenue Code

(S.P. 578) (L.D. 1500)

(S. "A" S-426)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses

(H.P. 1218) (L.D. 1717)

(C. "A" H-745)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 325

YEA - Adams, Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Casavant, Cebra, Celli, Chase, Clark H, Cleary, Cohen, Connor, Cotta, Crafts, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Goode, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Joy, Kent, Knapp, Knight, Kruger, Lajoie, Langlely, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rotundo, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wright, Madam Speaker.

NAY - NONE.

ABSENT - Boland, Clark T, Cornell du Houx, Cray, Giles, Kaenrath, McLeod, Perry, Rosen, Tuttle, Wheeler, Willette.

Yes, 139; No, 0; Absent, 12; Excused, 0.
 139 having voted in the affirmative and 0 voted in the negative, with 12 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Adopt the Common Core State Standards Initiative
 (S.P. 705) (L.D. 1800)
 (C. "A" S-423)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

Representative FINCH of Fairfield **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 326

YEA - Adams, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Casavant, Celli, Clark H, Cleary, Cohen, Connor, Cotta, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Dostie, Driscoll, Duchesne, Eberle, Eves, Flaherty, Flemings, Flood, Fossil, Gilbert, Goode, Greeley, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Kruger, Lajoie, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McKane, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Peterson, Pieh, Pilon, Piotti, Pratt, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rotundo, Russell, Sanborn, Shaw, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wright, Madam Speaker.

NAY - Austin, Ayotte, Cebra, Chase, Crafts, Eaton, Edgecomb, Finch, Fitts, Fletcher, Gifford, Hamper, Hanley, Harvell, Joy, Kent, Knapp, Knight, Langley, McFadden, Pinkham, Plummer, Sarty, Saviello, Schatz, Sirois, Sykes, Weaver.

ABSENT - Boland, Clark T, Cornell du Houx, Cray, Giles, Kaenrath, McLeod, Perry, Rosen, Tuttle, Wheeler, Willette.

Yes, 111; No, 28; Absent, 12; Excused, 0.

111 having voted in the affirmative and 28 voted in the negative, with 12 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2010-11 and To Make Certain Changes in the Laws Governing Tax Increment Financing Payments in the Unorganized Territories

(H.P. 1294) (L.D. 1807)
 (C. "A" H-758; H. "A" H-771)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being

necessary, a total was taken. 128 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Further Amend the Sex Offender Registration and Notification Act of 1999

(H.P. 1305) (L.D. 1822)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Implement the Recommendations of the Juvenile Justice Task Force

(H.P. 1204) (L.D. 1703)
 (C. "A" H-708)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization

(H.P. 1270) (L.D. 1780)
 (C. "A" H-770)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Bond Issue

An Act To Authorize a General Fund Bond Issue To Create a New Electronic Medical Records Infrastructure and To Establish the Electronic Medical Records Infrastructure Program

(S.P. 675) (L.D. 1761)
 (C. "A" S-445)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative PIOTTI of Unity, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Acts

An Act To Reform Insurance Coverage To Include Diagnosis and Treatment for Autism Spectrum Disorders

(S.P. 446) (L.D. 1198)
 (C. "A" S-430)

An Act To Regulate the Use of Automated License Plate Recognition Systems

(S.P. 598) (L.D. 1561)
 (S. "B" S-432 and S. "C" S-453 to C. "A" S-401)

An Act To Amend the Motor Vehicle Laws
(S.P. 599) (L.D. 1562)
(C. "A" S-391; H. "A" H-711; S. "A" S-433)

An Act To Improve Water Quality through the Phaseout of
Overboard Discharges and the Improvement of the Boat Pump-
out Laws
(H.P. 1111) (L.D. 1573)
(C. "A" H-756)

An Act To Amend the Rights and Liabilities of the Supervising
Physician of a Physician Assistant
(H.P. 1112) (L.D. 1574)
(H. "A" H-755 to C. "A" H-732)

An Act To Stimulate the Maine Economy and Promote the
Development of Maine's Priority Transportation Infrastructure
Needs
(H.P. 1167) (L.D. 1639)
(S. "A" S-441 to C. "A" H-699)

An Act Pertaining to Sales Tax Exemptions for Products
Purchased for Agricultural Use
(H.P. 1304) (L.D. 1821)

Reported by the Committee on **Engrossed Bills** as truly and
strictly engrossed, **PASSED TO BE ENACTED**, signed by the
Speaker and sent to the Senate.

Resolves

Resolve, Regarding the Dispensing of Antiepileptic Drugs
(S.P. 644) (L.D. 1672)
(S. "A" S-434 to C. "A" S-390)

Resolve, Directing the Commissioner of Agriculture, Food and
Rural Resources To Examine the Collection of the Milk Handling
Fee on Packaged Milk for Out-of-state Sales
(H.P. 1276) (L.D. 1788)
(S. "A" S-458 to C. "A" H-737)

Reported by the Committee on **Engrossed Bills** as truly and
strictly engrossed, **FINALLY PASSED**, signed by the Speaker
and sent to the Senate.

The following items were taken up out of order by unanimous
consent:

UNFINISHED BUSINESS

The following matters, in the consideration of which the
House was engaged at the time of adjournment Friday, March
26, 2010, had preference in the Orders of the Day and continued
with such preference until disposed of as provided by House Rule
502.

Resolve, Directing the Right To Know Advisory Committee To
Examine Issues Related to Private Information Contained in the
Communications of Public Officials
(H.P. 1288) (L.D. 1802)
(C. "A" H-735)

TABLED - March 26, 2010 (Till Later Today) by Representative
PIOTTI of Unity.
PENDING - **FINAL PASSAGE**.

On motion of Representative HILL of York, the rules were
SUSPENDED for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House
RECONSIDERED its action whereby the Resolve was **PASSED
TO BE ENGROSSED**.

On further motion of the same Representative, the rules were
SUSPENDED for the purpose of **FURTHER
RECONSIDERATION**.

On further motion of the same Representative, the House
RECONSIDERED its action whereby **Committee Amendment
"A" (H-735)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment
"A" (H-788)** to **Committee Amendment "A" (H-735)**, which was
READ by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative
from York, Representative Hill.

Representative **HILL**: Thank you, Madam Speaker. Madam
Speaker, Members of the House. I'd just like you to be aware
that this is purely a technical amendment. The Judiciary
Committee had passed, unanimously, a resolve for the issue of
constituent emails and whether they are categorized as protected
or not under FOIA to the Right to Know Advisory Committee,
which we'll be looking at it this summer. This amendment merely
removes the language which says that that committee must
report back to the Judiciary Committee and that the Judiciary
Committee has the right to report out legislation based on that.
So it's purely a technical amendment. Thank you.

Subsequently, **House Amendment "A" (H-788)** to
Committee Amendment "A" (H-735) was **ADOPTED**.

Committee Amendment "A" (H-735) as Amended by
House Amendment "A" (H-788) thereto was **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED** as
Amended by **Committee Amendment "A" (H-735)** as
Amended by **House Amendment "A" (H-788)** thereto in **NON-
CONCURRENCE** and sent for concurrence.

SENATE DIVIDED REPORT - Majority (10) **Ought Not to
Pass** - Minority (3) **Ought to Pass as Amended by Committee
Amendment "A" (S-470)** - Committee on **LABOR** on Bill "An Act
To Prevent the Spread of H1N1" (EMERGENCY)

(S.P. 630) (L.D. 1665)
- In Senate, Majority **OUGHT NOT TO PASS** Report **READ** and
ACCEPTED.

TABLED - March 26, 2010 (Till Later Today) by Representative
TUTTLE of Sanford.

PENDING - Motion of same Representative to **ACCEPT** the
Majority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

On motion of Representative PIOTTI of Unity, the Bill and all
accompanying papers were **INDEFINITELY POSTPONED** in
concurrence. **ORDERED SENT FORTHWITH**.

By unanimous consent, all matters having been acted upon
were **ORDERED SENT FORTHWITH**.

The House recessed until 12:00 p.m.

(After Recess)

The House was called to order by the Speaker.

The following items were taken up out of order by unanimous
consent:

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **EDUCATION AND
CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by
Committee Amendment "A" (S-483)** on Bill "An Act To

Encourage the Use of Models in the Collection and Use of Student Achievement Data" (EMERGENCY)

(S.P. 704) (L.D. 1799)

Signed:

Senators:

ALFOND of Cumberland
SCHNEIDER of Penobscot
WESTON of Waldo

Representatives:

SUTHERLAND of Chapman
CASAVANT of Biddeford
WAGNER of Lewiston
LOVEJOY of Portland
NELSON of Falmouth
RANKIN of Hiram
RICHARDSON of Carmel
JOHNSON of Greenville

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representative:

FINCH of Fairfield

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-483)**.

READ.

On motion of Representative SUTHERLAND of Chapman, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-483)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-483)** in concurrence. **ORDERED SENT FORTHWITH**.

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-485)** on Bill "An Act To Implement the Recommendations of the Advisory Council on Health Systems Development Relating to Payment Reform"

(S.P. 735) (L.D. 1819)

Signed:

Senators:

BOWMAN of York
ALFOND of Cumberland
McCORMICK of Kennebec

Representatives:

TREAT of Hallowell
GOODE of Bangor
RICHARDSON of Warren
LEGG of Kennebunk
WEAVER of York
MORRISON of South Portland
BECK of Waterville
BEAUDOIN of Biddeford

PRIEST of Brunswick

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-486)** on same Bill.

Signed:

Representative:

FOSSEL of Alna

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-485)**.

READ.

On motion of Representative TREAT of Hallowell, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-485)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-485)** in concurrence.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (S-424)** - Minority (6) **Ought to Pass as Amended by Committee Amendment "B" (S-425)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Clarify Safety Requirements in Acadia National Park"

(S.P. 666) (L.D. 1737)

Which was **TABLED** by Representative HASKELL of Portland pending **ACCEPTANCE** of either Report.

Subsequently, on motion of Representative HASKELL of Portland, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-424)** was **READ** by the Clerk.

Senate Amendment "A" (S-459) to **Committee Amendment "A" (S-424)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-424) as Amended by **Senate Amendment "A" (S-459)** thereto was **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-424)** as Amended by **Senate Amendment "A" (S-459)** thereto in concurrence. **ORDERED SENT FORTHWITH**.

The following items were taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, March 26, 2010, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-688)** - Committee on **LEGAL AND VETERANS AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Amend the Requirements Governing Direct Initiatives

(H.P. 1193) (L.D. 1692)

TABLED - March 11, 2010 (Till Later Today) by Representative TRINWARD of Waterville.

PENDING - Motion of same Representative to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Cain.

Representative **CAIN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This is a bill that I proudly brought forward to the Legal and Veterans Affairs Committee. I do recognize that it is a constitutional amendment. I do recognize that that requires a two-thirds vote of the House and the other body before going to the people for affirmation, but I think it's a point that is not to be missed during this legislative session and that's why I rise today.

Maine has been privileged with the citizen initiative process for nearly 100 years, and I would say, by enlarge, it has served us very well. It enables people to bring ideas forward no matter what they are, to put them before the people, to have a public debate, have them voted on and brought to the Legislature. It's a process that I believe in, but it's a process that I think is ripe for an opportunity to be improved and that's what this bill seeks to do.

This bill would ask the people of Maine to amend the Constitution so that it would say that when you bring forward an initiative, you not only must determine through the Office of Fiscal and Program Review what that bill would cost or what it would save, but if it was going to cost the state money, as part of your legislation you'd need to identify a funding source. Now this does not change the role of the Legislature. If you put forward a bill that sought to raise a certain revenue to pay for it, when it comes before the Legislature after it's been passed by the people, the opportunity for the Legislature to amend that bill in any way remains. This is not a new concept. Several states already require in their constitution that initiative proposals be fully funded. States like Arizona, Mississippi, Missouri and Nevada.

I was even more bolstered in my support for this concept last year after an article entitled "Exercise the Power, Play by the Rules: Why Popular Exercise of Legislative Power in Maine Should be Constrained by Legislative Rules" was published last year in the Maine Law Review by a former member of this body, the Honorable Jeremy Fischer. That article really brought home for me that this not only should be what we do but that it really is a better way for the citizen initiative process in Maine to be run. Just like when any of us bring forward any piece of legislation, we must identify a funding method that pays for our proposal to make sure our budget stays in balance.

Perhaps the greatest example of this in my short time, my six years in the Legislature, was during my first term when I, like many of you, we were elected for our first term on the heels of the 2004 June election related to 55 percent of the cost of education. We came in and in a very intense beginning of a very tough session, we had a select committee that quickly worked to identify how we were going to meet the challenge of 55 percent, and the word challenge may not be strong enough at this time that we knew then what was before us. If that referendum had included a funding source, it would have been a more honest choice for the people of Maine, as they would have considered not only what we wanted the state to pay for for education, how it

would go back into property taxes, but that they would be assured that the Legislature would have no excuse when that would come before them the next session because a funding source could have been identified. It would have been a more fair and honest choice for the people of Maine to vote for that amendment knowing full well how it would be paid for. And instead, here we are nearly six years later not having met that obligation, going door-to-door, being in our districts, having that hung over our head left and right. I contend that it was not a fair question to begin with and I contend that this Legislature, that Legislature, any Legislature would have more opportunities to address the concerns of citizen initiatives if they were presented in a way that was more consistent with the legislative process by recognizing the fiscal impact and trying to address it.

I believe this change would strengthen the citizen initiative, not bring it down. I believe that it would in fact lead to greater transparency and accountability, not only for the Legislature who would deal with those referendums that were successful, but also for those initiators, regardless of what they want to put forward. I think if you have a good idea, you should be willing to say I have a good idea and I'm willing to accept and pay for what that idea would cost. It is that that inspired my bill, it is that reason that I stand before you today on what is a Divided Report, on what is a very high threshold for votes, and I would ask your consideration. I would ask your consideration for transparency, for fiscal responsibility and for the sake of the good ideas out there that deserve to not only be passed into law by the people but actually come to fruition in the Legislature, and I believe this would approve that in the end. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Valentino.

Representative **VALENTINO**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise today to oppose the current motion on the floor. The Majority Report was Ought Not to Pass on this. I want to thank the good Representative from Orono for bringing this forward. Last year, she brought forth a similar bill, LD 235, which meant that a citizen initiative had to put on the top of the ballot how much it would cost if this went through. Although it was felt by the committee that this is the second part to say not only how much does it cost, where are we going to get the money for it, I feel that the unintended consequences on this bill are huge.

First of all, when we submit our bills, we do not have to put where we're going to get the money to pay for it. We submit a bill, we submit an idea, and if the committee passes it then a fiscal note is drawn and attached to it. That fiscal note then has to go to the Appropriations. We ourselves, as sponsors, do not say I want this to pass into law and this is how I'm going to pay for it. If we don't ask that of ourselves, how are we going to ask that to the citizens of Maine, who are not up here and are not familiar with the budget process, to have them do that? The unintended consequences of this, I can see very clearly. People might put in do you want to reduce the income tax to 4.5 percent and in order to do that, we're going to cut 2,000 state employees who have an average salary of \$37,000. The argument is saying, well, we don't have to be bound to that. Once we get it up here, we can do what we want. Well, why are we asking the citizens to put in something if we're not going to be bound for it? What if they put in we're going to eliminate the salaries of all the State Representatives? We're a citizen legislature. Why not be for free and have nothing being paid for us? Why not finally consolidate that natural resource agency that everybody's been heard out, let's lower the income tax and do that. I could go on and on and on, on examples that the citizens might come up that is not in the best interest of all of the people of the State of Maine.

I also raise the question when we put out an issue on a referendum, it only has to contain one issue not two. What if somebody wants to lower the income tax to 4.5 percent but they don't want to lay off 2,000 state workers. Are we asking them one question or are we really asking them two questions? Does that meet our constitutionality of referendums on having two questions or is it one question on that? I don't know.

I also know that the citizens do not have available the tools to do this that we do here. We do not ask ourselves to do this on our bills, how can we ask them? I also know that this is a constitutional amendment, one that should not be taken lightly. A constitutional amendment, just last year, to allow city clerks additional time on elections to process ballots failed, failed just to give them a few more days. Do you want this constitutional amendment to go out there against the citizens of Maine saying if you want to do this then you have to come up with the numbers? I would urge you to vote this down. I hope that the caucus will see that it may have had a good intent but the unintended consequences are huge on this and do we really want all these citizen initiatives to come back with an amount that we know we are not going to do as far as the reductions in funding, or the increases in the sales tax, or however else they decide to duns it. So I urge you to vote against the Minority Ought to Pass and please vote for the Majority Ought Not to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Representative Valentino said she could go on and go on and go on, but I'll continue on for her. She evidently forgot about the good citizens of Maine when we passed the beer and wine tax, and then set up a soda pop. The soda pop people spent hundreds of thousands of dollars to pay for signatures, not go grassroots, to pay for them, and then the beer and wine distributors spent around \$4 million to kill a bill. So she should stop and think about we're trying to probably stop that, that you don't need legislators to pass laws when the people with the money out there can turn around and spend enough money to kill whatever we do up here. I hope she remembers that. And any of the freshman that didn't know about it, they know about it now. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise today in opposition to the pending motion, primarily for a couple of reasons. One, we passed a really good bill today, under the hammer as I recall, that addresses many of the reforms that I believe are important for the citizen's initiative process, and I think we've taken a major step forward this year. And I think we need to be very cautious about what we do going forward and we need to protect the right of the citizens to petition their government. I'd like to point out that the good Representative from Orono, I share her concerns. I really do. I share the concern that people can put forth initiatives that are asking us to fund things that we don't necessarily have a context of how we're going to fund. But this is a statutory process. We're not like California. We don't have a constitutional referendum. We have a citizen's initiative and it's a statutory referendum and so our Constitution allows this Legislature, this body, to make decisions about what the citizens put before us. It's perfectly within our right. We don't like doing it and I certainly don't encourage us to do it, but it's well within our rights that if a citizen's initiative passes at the ballot box, we can change it, we can gut it, we can do just about anything we want to it. The citizen's initiative does

not have the right to bind a future Legislature any more than we do. We cannot bind a future Legislature. So I would be very cautious about passing a constitutional amendment that gives us a right that we already have.

The other thing I'd like to point out is that when we talk about the funding mechanism, we're talking about the direct initiative, not the citizen's veto, and the funding is related to how to fund that program, that idea, that cut. It's not related to how to fund the referendum process. So to the good Representative from Orono, I really share her concerns and I'd love to find a solution and work with her, but I just don't feel that this is the solution that we should be looking at today. And I have to say, again, we passed good legislation this morning, the other body has passed it, it's probably going to be signed into law that addresses fraud and addresses many of the reforms that some of us are very deeply concerned about. We have a responsibility to legislate, we also have a responsibility to protect the people's right to petition their government and if I were a citizen in the State of Maine, I would not be voting on a constitutional resolution that would limit my right to petition my government. Thank you very much, Ladies and Gentlemen. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Cain.

Representative **CAIN**: Thank you, Madam Speaker. Just three quick things. Number one, this bill does not amend the law of unintended consequences. That law will stay in effect for as long as all of us will live and well beyond us. I wish we could amend that law, but it's not true. The second, there was a question about the fiscal side and where it would be determined. It would be using the same staff we use here in the Legislature, in OFPR. And to clarify that, certainly the laws we pass are certainly statutory. The process, however, originates from the Constitution, which is why it's here. Finally, Madam Speaker, I request a roll call.

Representative **CAIN** of Orono **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended Report**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Minority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 327

YEA - Beck, Berry, Blanchard, Cain, Campbell, Carey, Casavant, Cohen, Connor, Crockett P, Duchesne, Flaherty, Flood, Haskell, Hinck, Hogan, Innes Walsh, Kaenrath, Kent, Lajoie, Martin JR, Martin JL, Miller, Millett, Peoples, Pieh, Piotti, Priest, Rankin, Rotundo, Sanborn, Sirois, Sutherland, Theriault, Treat, Trinward, Wagner J, Wagner R, Watson, Webster, Welsh, Wright, Madam Speaker.

NAY - Adams, Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Bickford, Blodgett, Boland, Bolduc, Browne W, Bryant, Burns, Butterfield, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cotta, Crafts, Crockett J, Curtis, Cushing, Davis, Dill, Dostie, Driscoll, Eaton, Eberle, Edgecomb, Finch, Fitts, Flemings, Fletcher, Fossel, Gifford, Gilbert, Goode, Hamper, Hanley, Harlow, Harvell, Hayes, Hill, Hunt, Johnson, Jones, Joy, Knapp, Knight, Kruger, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Mazurek, McCabe, McFadden, McKane, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peterson, Pilon, Pinkham, Plummer, Pratt, Prescott, Richardson D, Richardson W, Robinson, Russell, Sarty, Saviello, Schatz, Shaw, Stevens, Strang Burgess, Stuckey, Sykes, Tardy, Thibodeau, Tilton, Valentino, Van Wie, Weaver, Willette.

ABSENT - Briggs, Cornell du Houx, Cray, Eves, Giles, Greeley, McLeod, Percy, Perry, Rosen, Smith, Thomas, Tuttle, Wheeler.

Yes, 43; No, 94; Absent, 14; Excused, 0.

43 having voted in the affirmative and 94 voted in the negative, with 14 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative TRINWARD of Waterville, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

SENATE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (S-455)** - Minority (4) **Ought to Pass as Amended by Committee Amendment "B" (S-456)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Promote the Establishment of Innovative Schools" (EMERGENCY)

(S.P. 706) (L.D. 1801)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-455)**.

TABLED - March 25, 2010 (Till Later Today) by Representative SUTHERLAND of Chapman.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

Representative SAVIELLO of Wilton **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Casavant.

Representative **CASAVANT**: Thank you, Madam Speaker. I would like a chance to just talk to everyone about the Minority Report if I can. I spoke to you last year about this same particular issue and things have changed dramatically since then. The Race to the Top funds, which we're all aware, is looking for certain types of innovation. I believe the charter schools can deliver that type of thing, something that the traditional public school cannot. I want to be clear. Charter schools are not private schools, they are not religious schools. They are public schools that have openings for anyone who wants to go there. But the idea is to attempt to eliminate those kids that fall through the cracks and many of you who are teachers or have been teachers clearly know who I'm talking about. The kids that you can't reach no matter how hard you try and you know they're gifted, you know they're smart, but for whatever reason, the dynamic of the classroom doesn't work for them. I believe in my heart that charter schools are an option for them.

Now for some reason there's much opposition. Seventy years ago, Franklin Roosevelt said, we have nothing to fear but fear itself. Pat Paulsen, in 1968, said, we have nothing to fear but fear itself, and the boogeyman. In the State of Maine, seemingly, the boogeyman is charter schools and I have no idea why. When Roosevelt was dealing with the Great Depression, he had no master plan. His goal was try anything. Charter schools are not the silver bullet. I'm not going to tell you that scores are going to go up and I'm not going to make any of those promises, but they give people a chance for alternative free choice. I've received countless emails and countless phone calls the last week or so with people whose kids were jeopardized by the system. They told me stories how their kids were successful in the private schools with which they paid tuition. You probably

know people yourselves who took their kids out of schools and put them somewhere and paid for it. Well, why can't those who can't afford it also be allowed free choice to put their children at a public charter school where innovation and alternative styles of teaching can take place? In all the arguments that I heard last week and the week before against charter schools, there's something that struck me. Not a single argument talked about what was best for the children, talked about loss to various districts because ideally the money follows a child. So if a student is at a public school and suddenly wants to go to a private school, the money follows that child and people are scared of that because it might affect their district. But here's the catch: Those schools, those charter schools are designed to try to attract the kids that drop out, the ones who never really materialize in terms of money for the district.

What I ask you is to reject the Majority Report and go on record with the Minority Report saying that we, as a state, believe that innovation is our goal for all students in the State of Maine, no matter what their economic standing, and we can do that through the use of charter schools. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Stockton Springs, Representative Magnost.

Representative **MAGNAN**: Thank you, Madam Speaker. Madam Speaker, Representatives of the House. I stood last year to speak against charter schools and I will do it again and I will speak in favor of the innovative schools. I think that is the way for us here in Maine to go. At a recent NCSL education leadership workshop, I found out that charter schools are kind of declining because they're not living up to the potential that they were touted to be. As usual, something that's overly relied upon for wonderful results only gets the wonderful results through cherry picking and through location. So if you are a suburban, well-to-do area school and you want to put a charter together, you're going to get pretty good results on your tests. If you're an inner city charter school and you clearly reflect the neighborhood and your clientele, including special needs students, you don't do any better on the whole than the regular schools. And so this problem of the charter schools is real.

It also extends into the issue of who controls the schools. We've now passed data collection on students from birth to practically death and that was a shame but it's happened. We now have adopted common core standards. Many states have gone to state run school boards, some with a little bit of disastrous results such as Texas, but the problem is that charter schools feed into that consolidation towards state control in a grants way because they don't report to their local school boards the way the innovative schools would. They report to the state Department of Education, pulling together the charter schools under the state. And so I would be careful in sanctioning charter schools and I will talk about the kids because we treat our kids very well. In most studies you'll find on the national level people talk about schools, generally they say, oh, the schools need this, the schools need that, they're underfunded, they're overworked, and the kids aren't doing well. But when asked specifically about their own schools, even some of the toughest schools in the country will clearly report that they're very proud of their school. It's not their school. Their school is doing the best they can with the most they have with whatever they have, and so I don't believe for a minute that the charter schools are going to be a cure all or even a real alternative to our young children and our young adults in the State of Maine. It does draw public money away from the public schools in a way that the innovative schools will not. Let's give those innovative schools a chance and not have unfair competition.

I'm going to say one last thing here. No, I think that's about it.

I think I will stand firmly against charter schools and proudly ask you to follow Representative Sutherland's light. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Lovejoy.

Representative **LOVEJOY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise to support the motion at this time. I appreciate Representative Casavant's passion about charter schools and, quite honestly, in many ways I agree with him. But let me ask you, how many of you are comfortable with the amount of funding your school system is getting right now? This would draw away from that and in a time where we are cutting back our funding to schools, that's going to be an issue for all of us. Innovative schools are out there. This will move us forward. Many of you have heard about Casco Bay High School in Portland, which has done an incredible job as an innovative school without charter school status. This will be helping move us forward on that. I believe that it is the right step. Yes, it's part of the Race to the Top, which many people wonder where we stand with, but the fact of the matter is we do need to look for more innovation. I agree with Representative Casavant. I've sat with him in all of the discussions in committee. But at this time, I'm afraid I can't support charter schools. We need to take and keep funding and keep our schools working as officially as we can, and I think trying to move for charter schools right now would be the wrong decision for us in this budget. Thank you.

The SPEAKER: The Chair recognizes the Representative from Mount Vernon, Representative Jones.

Representative **JONES**: Thank you, Madam Speaker. Point of Order. I have a question for the Chair.

The SPEAKER: The Representative may proceed.

Representative **JONES**: If we vote against this, does this jeopardize our state's chances of getting federal funding for Race to the Top?

The SPEAKER: The Chair would answer that that would not be a Point of Order but that may be properly a question posed through the Chair to another member of this body who may care to answer. The Chair recognizes the Representative from Chapman, Representative Sutherland.

Representative **SUTHERLAND**: Thank you, Madam Speaker. One of the major components of the application for Race to the Top is how this state addresses innovative programs in the public schools, and, yes, we do need to provide that piece to the department in order to have the most competitive proposal.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Johnson.

Representative **JOHNSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'm going to reserve my comments on charter schools as the Speaker requested. However, let's look at 1801 that is before us now. I sat through all of the deliberations on this bill when it came before us, and the committee was underwhelmed, underwhelmed with the specificity that goes with the definition of innovative schools. There is nothing within this bill that makes schools any more innovative than they currently can be. Existing state law allows for alternative schools to be created within public schools. Even with this bill innovative schools are bound by current law in the areas of instructional design, staff selection and school calendar. How can schools be innovative if they are bound by existing statutory and regulatory requirements? The answer is they can not. At least this bill offers no more opportunity to do this than the existing law. I would ask that people vote the pending motion down so that we can get on to something that the Federal Government agrees and many people agree will allow for a

degree of innovation that this motion does not currently entail. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dennysville, Representative McFadden.

Representative **McFADDEN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise to support innovative schools. LD 1801 will permit any school administrative unit across the state to establish an innovative school that meets all criteria requirements to make Maine eligible to compete for Race to the Top funds. One of the requirements for an innovative school, they must have open enrollment and permit any resident student in that LEA to enroll in the school. Also, they must have the course district school calendar, the staff selection and professional development assessment. It may differ from other schools in the district but it must not be in conflict with any state regulations and rules. In other words, the requirement for an innovative school should exceed the requirements of other schools in the district.

Now our committee heard positive testimony from the DOE commissioner, the Maine Teachers Association, the Maine Principals' Association, the chair of the state board, and the president of Small School Coalitions. The only person or only entity that testified against the innovative schools, it was the Maine Heritage Policy Center, and the only reason they testified against it is because they said it didn't go far enough. Going far enough meant they wanted charter schools. But we've got to realize that LD 1801 is one of the three bills that make up the points for Race to the Top funds.

I know charter schools is not what we're talking about. I realize its innovative schools, but two or three things about charter schools. One thing, I heard another Representative mention it sucks GPA right from the other schools and, at this time, no school can afford to lose any GPA from the budget and, on top of that, paying penalties. Another thing that hasn't been mentioned is charter schools, only two-thirds of the teachers must be certified. Now you have teachers in the regular school that must take six credits every five hours to be recertified and two-thirds of these teachers don't need to do that. So I suggest that we vote yes on the Majority Report. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Alna, Representative Fossel.

Representative **FOSSEL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I come from the little town of Alna that has K-12 choice right now. There's no boogeyman. They're no boogeyman under the bed. It actually makes the situation much better because those parents who have a problem finding an appropriate education for their children within the public school, or within the public school that they're assigned to, have other choices and they don't go to constant parent-teacher conferences or say their kid should have special ed. I think it actually improves the situation and it's overwhelmingly supported in my community. Therefore, I see absolutely no reason to support this bill, and I think we ought to look at other alternatives. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Valentino.

Representative **VALENTINO**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I do not serve on the committee and I do not pretend to know a lot about the innovative versus charter school difference of it. I do know that we passed another bill here, LD 800, which was the first component, and in that testimony it was given that we needed to pass this because we did not want to stand in the way of being

competitive to get the funds for Race to the Top. I guess my concern then is following up on the good Representative from Mount Vernon's concern is that if we're going to put in an application, why not put in our best possible application? The application is due in June. We will know before next session whether or not we have been approved on this. I'm greatly concerned about the cliff that we're facing and if this is the way to get good competitive schools and to put charter schools in, which is not taking somebody half the way, I guess I question the motives of going half the way and not going the whole way of charter schools. I know a very much admired person I know is coming to Portland on Thursday and he likes charter schools and I guess I think I can support going all the way, because I want to make sure that whatever we put in, we're in the best possible position to get these funds for Race to the Top. So therefore, I will be voting against the current motion.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Boland.

Representative **BOLAND**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I would also urge a vote against this bill. I think it puts an extra burden on public schools that are already stressed right now and it's really not as credible as an alternative might be. It seems that we are losing kids and schools have been trying really hard, they've been doing their best for a long time. I think maybe there's something a little bit more innovative that we can choose to do. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Wagner.

Representative **WAGNER**: Thank you, Madam Speaker. I, too, rise to support this motion. I will remind people that there is \$3 billion out there in the Race to the Top, only two states have been approved of the 41 who applied the past several months. Two states, \$3 billion left. We should, as the good Representative from Saco suggested, we should put our best foot forward and passing a bill that supports innovative schools is an excellent way to do it, has the additional advantage of getting people within various school districts, regional units and so on to start working on their own schools to make them better for all the students in the district rather than just for the mainstream folks. So I urge you to support this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Casavant.

Representative **CASAVANT**: Thank you, Madam Speaker. Just a couple of other points. I'm asking you in this case to really consider the kids of Maine, because that's what the issue is here. Clearly the status quo of education is in favor of innovative schools, but I think we can do better than that. I say why not experiment, why not take the chance over the next 10 years to see what develops. What harm can come? Absolutely none.

I also want to dispute that whole idea, once again, about the loss of money. We are already losing kids from our public school systems. We have home schooling at a record-breaking pace. We have people enrolling their kids in private schools. The kids are vacating now. Do we think that there's going to be a flood? If there is a flood that means our school, our public school is failing. That's what it tells us. So do we want failing public schools?

And the last thing. We started improving our schools, what, 10, 15 years ago? Look how long it's taken to get to this point. It's a slow process through public education. I sincerely believe that going through the public charter system will not only deliver the innovation but deliver it more quickly than we've ever seen in public education today. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Pilon.

Representative **PILON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I agree with Representative Casavant. What about the children? If we lose those children from the school system, where do they go? If all of the sudden they become uneducated, they're not going to be part of the productive members of society. Where do they go? How are they going to be able to compete in the global world that we're trying to create in the State of Maine? We can't take square pegs and try to fit them in round holes, and that's what we're doing in the current public school system. So in the traditional classroom setting, where we probably have 25 to 30 kids in a classroom, these children that historically would be well suited in a charter classroom where we can work with them to get their strengths, find their strengths, find their capabilities, work with them to make them productive members of society rather than lose them, because they're going to be dropouts, what's the matter with this? What's the matter with this proposal, Madam Speaker? So I support the Minority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Nelson.

Representative **NELSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I was not going to rise on this issue, but I feel that I must, and as much as I did speak in the prior session in support of charter schools and yet I support the Majority Report in this case. We have lots of challenges in education in the State of Maine, not the least of which is resources. I think that the department came forth with the proposal that we put in law, some opportunities for innovative schools and innovative programs, such as programs that are existing in the state right now. We have an innovate school, the Maine School of Mathematics and Science, in Limestone, that is an extraordinary example, named nationally as one of the finest schools in the country. We do have the opportunity to put together very innovative schools and programs and this legislation puts that into statute so that it's available. I think the discussion on charter schools, as we've heard today, is a long one, it's a complicated one, and, for me, this is not the right vehicle in which to do that. I think that we need a fair and honest and open debate to put in place, in the State of Maine, the best legislation we can. This is a long piece of legislation if one were to go with charter schools, and I think that we owe it to ourselves and to the students and the teachers and the schools in this state to consider carefully how we put that kind of legislation in place. So I urge you to support the Majority Report. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 328

YEA - Adams, Beaudoin, Beaulieu, Beck, Berry, Blanchard, Blodgett, Bolduc, Bryant, Butterfield, Cain, Campbell, Carey, Celli, Clark H, Cohen, Connor, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Finch, Flaherty, Flemings, Flood, Gilbert, Goode, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Innes Walsh, Jones, Kaenrath, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, Miller, Millett, Morrison, Nelson, O'Brien, Pendleton, Peoples, Peterson, Pinkham, Piotti, Plummer, Pratt, Priest, Rankin, Rotundo, Russell, Sanborn, Saviello, Shaw, Sirois, Stevens, Strang Burgess, Stuckey, Sutherland, Theriault, Tilton, Treat, Trinward, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Willette, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaudette, Bickford, Boland, Browne W, Burns, Casavant, Cebra, Chase, Clark T, Cleary, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis,

Edgecomb, Fitts, Fletcher, Fossel, Gifford, Hamper, Hogan, Hunt, Johnson, Joy, Kent, Knapp, Knight, Kruger, Langley, Lewin, McKane, Nass, Nutting, Pieh, Pilon, Prescott, Richardson D, Richardson W, Robinson, Sarty, Schatz, Sykes, Tardy, Thibodeau, Thomas, Valentino, Weaver.

ABSENT - Briggs, Cornell du Houx, Eves, Giles, Greeley, McLeod, Percy, Perry, Rosen, Smith, Tuttle, Wheeler.

Yes, 87; No, 52; Absent, 12; Excused, 0.

87 having voted in the affirmative and 52 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-455)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 30, 2010.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

On motion of Representative PETERSON of Rumford, the House adjourned at 1:18 p.m., until 9:00 a.m., Tuesday, March 30, 2010 in honor and lasting tribute to Joseph A. Sassi, Carl Scott Hinse, of East Millinocket and David B. Dearing, of Millinocket and Bangor.